

08 Jul 03

From: Limited Duty Coordinator, Naval Ambulatory Care Center NOLA
To: Head, Administrative Services Department

Subj: HEALTH CARE CONSUMER MEETING, MEDICAL BOARDS AND
LIMITED DUTY BOARDS PRESENTATION OUTLINE

Ref: (a) SECNAVINST 1850.4E
(b) P-117 MANMED CH-18
(c) ENLTRANSMAN CH-24
(d) MARCORPSSEPRETMAN CH-8
(e) MILPERSMAN 1300-800
(f) NAVHOSPPNCLAINST 6100.1G
(g) NAVHOSPPNCLAINST 6100.2A
(h) HIPAA SECTION 164.512(k)(1)(i):
"Specialized Government Functions" Provisions

Encl: 1. Limited Duty Boards Forms
2. Medical Boards Forms
3. Death Imminent Forms

1. For the HCC meeting I will be presenting the following information regarding Limited Duty Boards and Medical Boards. The following will be presented as follows:

a. Limited Duty Boards:

- * Purpose of Limited Duty Boards
- * LIMDU Coordinator and Patients Rights & Responsibilities
- * Length of time on Limited Duty Boards
- * Transition from Limited Duty Board to Medical Board

b. Medical Boards:

- * Purpose of Medical Boards
- * LIMDU Coordinator and Patients Rights & Responsibilities
- * Medical Boards: Disability Evaluation System time factors
- * Physical Evaluation Board (PEB) review of Medical Boards
- * PEB findings of UNFIT FOR DUTY vs. FIT FOR DUTY
- * Patients rights after findings: Accept or Decline and request Formal Board

c. Death Imminent Case:

- * Medical Retirement within 72 hours

2. For further information, you may contact me at DSN 678-2400 extension 3010.


J. AVALOS

ENCL: (7)

ABBREVIATED LIMITED DUTY MEDICAL BOARD REPORT

Date: 29 Apr 03 Name: DOE, JOHN (Last, First, M.I.) Rate/Rank E3/SN SSN 123-45-6789 Service USNR
 Parent Command COMMANDER, Naval Base Anywhere Phone 555-1213, 555-1111 (Duty) (Home) NEC/MOS 0000
 Diagnosis: (1) Chronic Pinky Pain ICD-9-CM _____
 (2) _____ ICD-9-CM _____

Circumstances of Injury/Illness: PCMS Comments _____

Treatment Plan: Intense Physical Therapy to Pinky Ligaments

Limitations: Cannot drink Tea.

Period of Limited Duty: 1 through 8 months

Additional Documentation: ☐ SF-539; ☐ Narrative Summary; ☐ Operation Report

☐ Other _____

PATIENT

Member's Signature

PCM

Physician's name and signature

PENSACOLA

Convening Authority name and signature

PATIENT ADMINISTRATION ENDORSEMENT

Line of Duty determination required? ☐ yes/no ☐. Has one been requested? ☐ yes/no ☐. Member entered into tracking system _____ (date).

This report has been reviewed and discussed with the member. Full medical board is not required. The member has been instructed to report to the Personnel Support Detachment to be made available for orders.

PENSACOLA

Patient Admin Officer name and signature

PARENT COMMAND ENDORSEMENT

The member is presently assigned duties as _____ and can/cannot be usefully employed at this command considering the medical restriction of activity. A line of duty determination is/is not required and has/has not been made.

Comments: _____

 Name and signature of Commanding Officer or designee

PSD ENDORSEMENT

Member's current PRD is _____. Member has been made available for orders this date _____

PRD is readjusted to _____. Member must be scheduled for reevaluation appointment no later than _____

 Name and signature of PSD representative

MEDICAL BOARD WORKSHEET

NAME _____ RATE/RANK _____
EAOS/AOS _____ PEBD _____ LOS _____
BRANCH SERVICE _____ MOS/DESIGNATOR _____
DOB _____ SEX _____ RACE _____ SSN _____
DATE/LOCATION LAST PHYSICAL EXAM _____
CURRENT DUTY STATION _____ CURRENT DUTY UIC _____
PSD UIC _____ DUTY PHONE _____
HOME PHONE _____ DUTY FAX _____
DISCIPLINARY ACTION PENDING YES _____ NO _____ LODI PENDING YES _____ NO _____
TYPE OF BOARD: PEB _____ FULL DUTY _____ LIMIT DUTY _____ EEPTE _____
ADDITIONAL LIMDU _____ DEPARTMENT REVIEW _____
*******TO BE COMPLETED BY NAVHOSP PENSACOLA *******
MEDICAL OFFICER _____ SR. MEDICAL OFFICER _____
INTERVIEWED _____ DATE DICTATED _____
ROUGH OUT _____ ROUGHT IN _____ MSG DATE _____
SMOOTH OUT _____ SMOOTH IN _____
TO COVENING AUTHORITY _____ FROM CONVENING AUTHORITY _____
CALLED FOR SIGNATURE _____ DATE SIGNED _____
COPY TO PATIENT _____ DATE MAILED _____
COPIES MAILED TO PSD _____ MATSG _____ NATTC STUDENT CONTROL _____
SEADUTY SCREENING APPT. DATE _____
MEDICAL RECORD COPIED _____ PHYSICAL EXAM DATE _____
MEDICAL RECORD YES _____ NO _____ BLACK TRACKING BOOK _____
ADDITIONAL REMARKS _____

6000
84B/
20 Jun 03

From: Officer In Charge, Naval Ambulatory Care Center, New Orleans
To: **Commanding Officer, Command Name**

Subj: PLACEMENT OF ABBREVIATED LIMITED DUTY ICO _____

1. The SNM has been placed on Abbreviated Limited Duty by their Primary Care Manager for a period not to exceed 8 months in duration. The SNM has acknowledged placement of limited duty by signing the NAVMED 6100/5 form.
2. We, the MTF will forward the limited duty form NAVMED 6100/5 to your command appointed Limited Duty Coordinator for parent command endorsement; this form needs to be forwarded by your Command to PSD/Marine Administrative Services for endorsement. The SNM will have their re-evaluation appointment scheduled for them 2 to 3 months prior to their expiration date of there Limited Duty Board.
3. It is extremely important that you, the Command, play a very active role in the limited duty status of your service members. For additional information, questions or concerns, contact HM2(FMF) Avalos at DSN 678-2400 extension 3010 or COMM (504)678-2400 extension 3010.

D. L. HUFF
By direction

DTAP HANDOUT

DISABILITY TRANSITION ASSISTANCE PROGRAM (DTAP)

DEPARTMENT OF THE NAVY DISABILITY EVALUATION SYSTEM BRIEF

PHYSICAL EVALUATION BOARD LIAISON OFFICER (PEBLO)
HM2(FMF) Jorge Avalos, Linda Stenquist, HA Cheryl Stahl
DSN 678-2400 extensión 3010 COMM (504)678-2400 extensión 3010

Naval Ambulatory Care Center, New Orleans

HOURS OF OPERATION

Monday: 0730-1100
1300-1600
Tuesday: 0730-1100
1300-1630
Wednesday: 0730-1100
1300-1630
Thursday: 0730-1100
1300-1630 Closed for Command Training
Friday: 0730-1100
1300-1500

- * Hours subject to change due to caseload and Death Imminent Cases
- * Weekends and Holidays closed
- * Appointments have priority before walk-ins
- * You may always leave a message at (504)678-2400 extension 3010 when the office is closed

- Ref: (a) Title 10 United States Code Chapter 61
(b) DOD Directive 1332.38 Physical Disability Evaluation
(c) DOD Directive 1332.18 Separation or Retirement for Physical Disability
(d) SECNAVINST 1850.4E Department of the Navy Disability Evaluation
System Download from Internet at
http://neds.nebt.daps.mil/directives/1850_4e.pdf
(e) NAVMED P-117 Manual Medical Department Chapter 15, 16, and 18
(f) Veterans Administration Schedule for Rating Disabilities (VASRD);
www.va.gov
(g) MCO P1900.16 (Chapter 8 and Appendix A) Marine Corps
Separations and Retirement Manual
(h) DODDir 1332.35 Transition Assistance for Military Personnel dtd 931209
(i) MCO P1400.32 Enlisted Promotion Manual
(j) MCO P1400.31 Officer Promotion Manual
(k) MCO 1560.28b Veterans Education Assistance Benefits
(l) DoD Pay Manual (DODPM)
(m) MCO 1770.2C NOE Benefits

- (n) MARADMIN 017/00; MCBUL 1850 Limited Duty and Disability Processing
- (o) MILPERS Manual
- (p) PEBLO Guidebook
- (q) PEB website:
http://www.hq.navy.mil/ncpb/PEB/Physical_evaluation_board.htm

<u>Classes</u>	<u>Point of Contact</u>
(1) DTAP	HM3(FMF)Harris
(2) Pre-Separations Class	Unit representative/FSC
(3) Transition Assistance Program Class (TAP)	FSC
(4) Retirement Seminar (if applicable)	Unit representative/FSC

DISABILITY EVALUATION SYSTEM (DES)

Objectives: Evaluation of physical disability within the Navy DES has its objectives: (1) The maintenance of a physically fit and combat ready Navy and Marine Corps, including Reserve components; and (2) Equitable consideration of the interests of the government and individual service members. (d) para 3101

Mission: 1) To maintain a FIT military force, 2) Rate members whose injuries/diseases are incurred or aggravated while in receipt of basic pay, 3) Compensate when unable to complete their careers and qualify for normal retirement benefits because of a physical disability, 4) Ensure members right to a full and fair hearing when found UNFIT, 5) Protect interest of the government.

What is a physical disability? Any impairment due to disease or injury, regardless of degree, which reduces or precludes an individual's actual or presumed ability to engage in gainful or normal activity. The term "Physical Disability" includes mental disease. A medical impairment or physical defect standing alone does not constitute a physical disability. *To constitute a physical disability, the medical impairment or physical defect must be of such a nature and degree of severity as to interfere with the member's ability to adequately perform his/her duties.* (d) para 2068

Department of Defense (DOD) vs. Department of Veterans Affairs (DVA)

DOD - * determines a service member's medical fitness for military duty

- * Compensates for a loss of future military earnings with disability severance or disability retirement pay

DVA - * determines service connection of disability

- * Compensates for the loss of future civilian earning capacity (i.e. monthly payments).

DOD

vs.

DVA

- * Auth: Title 10 USC Chap 61
 - * only unfitting conditions rated
 - * Rating is permanent upon PDRL/
Separation over time
 - * Not bound by DVA rating decisions
- * Auth: Title 38 USC, part IV
 - * any service connected
injuries/illness may be rated
 - * Ratings may change
 - * Not bound by DOD decisions

DISABILITY EVALUATION SYSTEM PROCESS

MEDICAL EVALUATION BOARD >>>>>> PEB INFORMAL BOARD >>>>>>
FINDINGS COUNSELING/ELECTION OF OPTIONS >>>>>>REQUEST
RECONSIDERATION/FORMAL BOARD/ ACCEPTANCE>>>>>>PEB
ENBLOC>>>>>>FINAL DISPOSITION BY SERVICE HEADQUARTERS

MEDICAL EVALUATION BOARD (MEB): It is not within the mission of the Department of the Navy to retain members on active duty or in the Ready Reserve to provide prolonged, definitive medical care when it is unlikely the member will return to full military duty. Line commanders, MTF commanding officers, and individual medical and dental officers shall promptly identify for evaluation by Medical Boards and appropriate referral to the PEB for those members whose physical or mental fitness to continue on active duty is in question. (d) para 1005

MEB TIME STANDARDS: Medical Board reports referring members to the PEB will be processed and received by the PEB within 30 days of dictation of the MEB. (d) para 1009

PURPOSE: Serves to report upon the present state of health of any member of the Armed Forces and as an administrative board by which the convening authority or higher authority obtains a considered clinical opinion regarding the physical status of service personnel. (d) para 3104

- A determination of *unfit for continued naval service* is not within the cognizance of a medical board. *This determination is only made by the Physical Evaluation Board.* Therefore, a conclusion of fitness, assignment of a disability rating, and/or appropriate disposition should not be stated orally to the member or included in the MEB narrative. (e) Art 18-1.

- What is submitted to the PEB to be reviewed with your MEB? (d) para 4209

- Current physical
- Copy of entire health record
- Non-medical assessment information
- Line of duty/misconduct determinations (if appropriate or requested by PEB)
- Statement of Service and Performance Evaluations (if requested by PEB)
- Special consultations (if any)
- NOE (Reservists)
- Any other pertinent information

MEMBERS ACCESS TO MEDICAL BOARD REPORTS AND COUNSELING (d)
para 3208

a. Unless the information contained in the MEB report may, in the judgment of the MEB convening authority, have an adverse effect on the member's mental or physical health, the member shall:

- (1) be provided a copy of the MEB report
- (2) be counseled regarding the opinions and recommendations of the MEB
- (3) be afforded the opportunity to discuss opinions and recommendations with each member of the MEB; and
- (4) be afforded an opportunity to submit a statement regarding any portion of the MEB report (Rebuttal). Generally 5 days is permitted to submit this information. No precise format is required, however, it should be understandable. The medical board shall attach written comments to the report addressing the statements by the member (Surrebuttal).

b. You must read, verify and sign your medical board before is mailed to the PEB. If you refuse to sign, an annotation as such will be made on the MEB, and the MEB will be forwarded to the PEB. Make sure it is accurate and includes all of your potential unfitting diagnosis(s).

WAIVER OF DISABILITY EVALUATION PROCESSING (d) 3209

- a. With the approval of the President, PEB, acting on behalf of the Secretary of the Navy, a service member may waive entrance into the DES under the following circumstances:
 - (1) When the MEB reflects that the service member's medical condition existed prior to service and was not aggravated by service; or,

- (2) Physical disability evaluation requires extension past the date of the member's service agreement, end of active obligated service or **approved** retirement date, the member does not consent to retention, and the member has no remaining reserve service obligation. Members of a Reserve component on active duty for more than 30 days may continue disability evaluation upon release from active duty provided they maintain a Ready Reserve status. They must, however, sign a waiver declining retention on active duty.

CONDITIONS NOT A PHYSICAL DISABILITY (d) para 2016: Certain conditions and defects designated by the Secretary of the Navy do not constitute a disability and are not ratable within the DES in the absence of an underlying ratable causative disorder. These conditions include, **but are not limited to**, those listed below. Such conditions should be referred for appropriate administrative action by the parent command.

- a. Enuresis
- b. Sleepwalking and or Somnambulism
- c. Dyslexia and other learning disorders
- d. ADHD/ADD
- e. Stammering or stuttering
- f. Certain Phobias
- g. Certain mental Disorders including:
 - 1) Alcoholism/Substance Abuse
 - 2) Personality Disorders
 - 3) Mental Retardation
 - 4) Adjustment Disorders
 - 5) Impulse control Disorders
 - 6) Homosexuality
 - 7) Sexual Gender and Identity Disorders
 - 8) Factitious Disorder
 - 9) Sexual Dysfunction
- h. Obesity
- i. Over height
- j. Psuedofolliculitis barbae
- k. Certain allergies
- l. Unsanitary habits
- m. Certain anemia's

CIRCUMSTANCES NOT JUSTIFYING REFERRAL TO THE PHYSICAL EVALUATION BOARD (d) para 3202

- a. Lack of Motivation
- b. Request for referral to the PEB by the service member.
- c. Mere presence of Physical Defect. Defect must materially interfere with ability to perform duties.
- d. Inability to meet initial enlistment/appointment standards.
- e. Physical Disqualification for special duties.

- f. Inability to meet Physical standards for specific assignment or administrative requirement.
- g. Members being processed for separation or retirement for reasons other than physical disability. Members are not to be referred to the DES, unless, member's physical condition reasonably prompts doubt that she or he is unfit to continue to perform the duties of office, rank, grade, or rating. (PFIT Rule also applies)

INFORMAL PHYSICAL EVALUATION BOARD (d) Para 4201-4212

Purpose: The Informal PEB shall screen and perform the initial evaluation on all PEB accepted cases on the basis of documentary review of case records (RECORD REVIEW ONLY)

Composition:

- Located @ Washington Navy Yard, D.C.
- One Navy physician, One Navy Line Officer, and One Marine Line Officer (all of whom are normally an O-6)

Review Process:

- What is the diagnosis?
- Is the diagnosis supported by medical evidence?

Functions:

- Determines the fitness of service members with medical impairments to perform military duties (*Record review only*)
- Decide case on member's ***current condition, not future***
- Makes line of duty/misconduct determinations
- For members determined UNFIT, their entitlement to benefits

NOTIFICATION OF FINDINGS BY PHYSICAL EVALUATION BOARD LIAISON OFFICER (PEBLO)

PEBLO'S MISSION: (d) para 3107

- Tasked with the responsibilities of counseling in understandable terms and educating service members, undergoing a MEB, on the PEB process.
- Provide counseling at each stage of PEB process
- Provide advice on the significance of action being taken in a case, its probable effect on the member's future, and options available

- Associated rights, benefits, and entitlements.
- Your point of contact for any and all questions. Do not contact the PEB directly unless specifically directed by your PEBLO.

NOTIFICATION: You will be notified verbally by phone as soon as this office receives your preliminary findings. At this time an appointment will be made for you to discuss your options, rights, and benefits. Once you have acknowledged receipt of your preliminary findings, you have fifteen (15) calendar days to make your election of options. **Failure to make a decision within the 15-day time frame will constitute a presumption of acceptance by the PEB and your case will automatically be finalized in accordance with the preliminary findings.** (d) para 4213, 4216

POLICIES CONCERNING FITNESS VERSES UNFITNESS

Standard Used For Disability Determination. The sole standard to be used in making determinations of physical disability as a basis for retirement or separation is UNFITNESS to perform the duties of office, grade rank or rating because of disease or injury incurred or aggravated while entitled to basic pay. Each case is considered by relating the **nature and degree** of physical disability of the member to the requirements and duties that a member may reasonably be expected to perform in their office, grade, rank or rating. (d) para 3301

General Criteria for Making Unfitness Determinations. In making a determination of a member's ability to so perform his/her duties, the following criteria may be included in the assessment: (d) para 3302

- Medical condition represents a decided medical risk to the health of a member or to the welfare of other members.
- Medical condition imposes unreasonable requirements on the military to maintain or protect the member.
- Nature of service member's established duties during any remaining period of reserve obligation.

Relevant Evidence. To reach a finding of Unfit, the PEB must be satisfied that the information it has before it supports the finding of Unfit. (d) para 3303

- Referral following illness or injury - this evaluation usually stands alone.
- Referral for chronic impairment - medical assessments to include chronic history on medical records and performance evaluations.
- Adequate performance until referral - the member may be considered Fit even though medical evidence indicates questionable ability to perform duties.
- Cause and effect relationship - the mere presence of disease or injury alone does not justify referral to the PEB. Referral should only take place when, in the opinion of a medical board, the defect may materially interfere with the member's ability to perform reasonably the duties of his/her, office, grade, rank, or rating on active duty.

(d) para 3202.c

Considerations in Determining Reasonable Performance of Duties. Determining whether a member can reasonably perform his or her duties includes consideration of: (d) para 3304

- a. Common Military Tasks (ITS Standards)
- b. Physical Fitness/Readiness Tests
- c. Deployability - being able to serve in every geographic location **will not** be the sole basis for a finding of Unfit.
- d. Special Qualifications - a medical condition that disqualifies special assignment **will not** be the sole basis for findings of Unfit (i.e. Independent Duty, DI/Recruiting Duty).

UNFIT AND FIT DETERMINATIONS

UNFIT TO CONTINUE NAVAL SERVICE DETERMINATIONS

Definition: PEB finding that determines the member is UNFIT to continue Naval Service based on evidence which establishes that the member is **unable** to reasonably perform the duties of their office, grade, rank, or rating to include duties during a period of Reserve obligation. (d) para 2085

If you are found UNFIT , the following will also be determined: (d) para 4210-4211

- Was your disability incurred while entitled to receive basic pay?
- Is your disability a result of intentional misconduct or willful neglect, and whether such disability incurred during a period of unauthorized absence (If the answer is yes to this question, you were not in the line of duty or it was willful neglect, you will be separated **without** benefits)

Not in the Line of Duty (d) para 3410.a

- * Misconduct or Willful Neglect
- * UA or deserter status
- * Confined by court martial for Dishonorable Discharge
- * On appellate leave
- * Confined under civil court for conviction of a felony

Willful Neglect (d) para 2086-2087, 3413, 3410

- * Intentional, unjustifiable, and inexcusable failure to perform some act or duty or,
 - * Unreasonable refusal of medical, surgical or dental treatment requirements
- Did your condition exist prior to service (**EPTS**) and if so, was it service aggravated?

(EPTS - service aggravation absent/separated **without** benefits; **EPTS with Service Aggravation** - you will receive a rating and receive disability benefits) (d) para 2027

- * Medical waivers
- * Service member statement
- * Hereditary and/or Genetic Diseases
- * Natural progression or service aggravated????
- * 8 year rule

- The percentage of disability for **unfitting** conditions IAW VASRD

** The disability rating of the VASRD represents, as far as can practicably be determined, the average impairment in earning capacity resulting from diseases and injuries, and their residual conditions in civil occupations. CONGRESS under Career Compensation Act of 1949 established this. (d) para 3801.b

- Is your condition permanent?

- Was your unfitting condition(s) combat-related? If your condition is combat-related, all or a portion of your disability pay will not be taxed. One of the following conditions must be met in order for your disability to be considered combat-related: (d) para 2013, 3501-3508

* Incurred as a direct result of armed conflict (i.e. Engaged with a hostile or belligerent nation, force, faction or terrorist group)

* Incurred while engaged in extra-hazardous service (i.e. includes, but not limited to flight, parachute, demolition, or diving duty)

* Incurred under conditions simulating war (i.e. tactical, live-fire, bayonet, or hand-to-hand combat training, and reaction, obstacle, or confidence courses.

* Caused by an instrumentality of war (i.e. military weapon, vehicle, ordnance, etc.)

The PEB shall provide a combat-related opinion for the member, which shall be binding on the appropriate finance center in the absence of guidance to the contrary from the IRS or from the OJAG. CHNAVPERS (message) and CMC/MMSR-4 (UD entry) shall communicate this opinion to the separating activity and to the appropriate finance center.

***Note:** The service member may appeal this opinion to the Office of the Judge Advocate General of the Navy (OJAG). The opinion rendered by OJAG may be used to claim taxes on the members Federal Income Tax return. See your PEBLO for a sample format letter.

CATEGORIZATION OF FINDINGS: All PEB findings will be arranged into four categories for members found UNFIT to continue naval service: (d) Para 4111

a. **Category I:** All Unfitting Conditions

b. **Category II:** Those Conditions That Are Contributing To The Unfitting Condition.

c. **Category III:** Those Conditions That Are Not Separately Unfitting, and Do Not Contribute To The Unfitting Condition.

d. **Category IV:** Conditions, Which Do Not Constitute A Physical Disability

*Note: only Category I conditions will be rated by the Informal/Formal Board. Cat II conditions may be rated while on the TDRL if determined as separately unfitting.

UNFIT DISPOSITIONS (d) para 2023

- **UNFIT FOR CONTINUED NAVAL SERVICE, SEPARATE WITHOUT BENEFITS** (b) part 7 para E(5)

* UNFIT EPTS

*UNFIT intentional misconduct

* UNFIT willful neglect

Note: If you have more than 6 years active duty, even though your are not going to receive *disability compensation*, you may be eligible for *separations pay* since this is an *involuntary separation*. (a) 10 USC, section 1174

- **UNFIT FOR CONTINUED NAVAL SERVICE, SEPARATE WITH SEVERANCE PAY** (a) 10 USC para 1203, 1206, (b) part 7 para E(3)

* Service member **has more than 6 months but less than 20 years active duty** at the time of separation, and total Disability Rating of 0% - 20%

* No further monetary disability benefits from DOD (one lump sum payment)

- **UNFIT FOR CONTINUED NAVAL SERVICE, TRANSFER TO TEMPORARY DISABILITY RETIREMENT LIST (TDRL)** (d) para 3601-3628, (a) 10 USC para 1202,1205 (b) part 7 para E(1)

* **UNSTABLE** condition and,

* Must have a 30% or more combined disability rating if *less* than 20 years active duty or,

* Any disability rating which is unstable with *more* than 20 years active duty

- **UNFIT FOR CONTINUED NAVAL SERVICE, TRANSFER TO PERMANENT DISABILITY RETIREMENT LIST (PDRL)** (a) 10 USC para 1201, 1204 (b) part 7 para E(1)

* Same criteria as TDRL except, your condition is determined to be **STABLE** or your case has been finalized due to the maximum of 5 years on the TDRL.

EFFECTIVE DATE OF RETIREMENT/SEPARATION: The effective date of retirement/separation shall normally be within 4 to 6 weeks after acceptance or official final results of a formal hearing. CMC MMSR-4 (USMC) will notify your command via the unit diary or PERS 821 (USN) will notify your PSD via naval message. (d) para 1009.f

FIT TO CONTINUE NAVAL SERVICE DETERMINATIONS (d) para 2033

Definition: PEB finding that the member is FIT to continue naval service based on evidence that the member is reasonably able to perform duties of office, rank, grade, or rating.

In order to find a member Unfit for continued service, it must be established that the medical disease or condition underlying the diagnosis actually interferes **significantly** with the member's ability to carry out their duties. (*The mere presence of a diagnosis is not synonymous with a disability i.e. pain in a joint)

The PEB does not determine a member's status for deployability or suitability; therefore the PEB determination of Fit to Continue on Active Duty does not preclude subsequent non-PEB determinations of temporary unsuitability for specific assignments or PFT/PRT participation, disqualification from special duties, or administrative action (including separation) resulting from such determinations.

Disposition: Return to duty until separated or retired for a non-disability reason. You are eligible for assignment.

*Note: IAW chapter 6, para. 6203.2 of reference (g) and MILPERS, you may be administratively separated by your unit for a Condition not a Physical or Mental Disability.

PRESUMED FIT (PFIT) FOR DUTY DETERMINATIONS (d) para 1001.e, 2071, 3305

Definition: Finding applied to service members pending retirement at the time they are referred to the PEB for disability evaluation. A finding of PFIT means evidence establishes that the member's functional impairment has not caused the **premature** termination of a career; the service member is retirement eligible. *Note: Members found PFIT are not eligible for disability retirement, but are eligible for retirement under other provisions of law, and for evaluation by the DVA for disability compensation.

Presumption Period: Service members shall be considered to be pending retirement when the dictation of the member's MEB report occurs after any of the circumstances designated below:

- 1) When a member's request for voluntary retirement has been approved. Revocation of voluntary retirement orders for purposes of referral into the DES does not negate application of the presumption.
- 2) An officer has been approved for Selective Early Retirement.
- 3) An officer is within 12 months of mandatory retirement due to age or length of service.
- 4) An enlisted member is within 12 months of High Year Tenure (HYT) or expiration of

active obligated service (EAOS), and will be eligible for retirement at HYT/EAOS.

5) An enlisted member is within 12 months of retirement eligibility and the member's EAOS has or will expire prior to the member being retirement eligible.

Overcoming PFIT Rule:

1) Within the presumptive period an acute **and** grave illness or injury occurs that would prevent the member from performing further duty if he/she were not retiring. PFIT is considered to be overcome if by accepted medical principles, the natural progression of the condition normally results in either significant life-span reduction/death or,

2) Significant deterioration (beyond normal progression) of previously existing physical condition, to include chronic condition, occurs and the deterioration would preclude further duty if the member were not retiring; or

3) Inappropriate retention; the condition for which the member is referred is a chronic condition and the preponderance of evidence establishes that the member **was not** performing duties befitting either his or her experience in the office, grade, rank, or rating before entering the presumptive period.

Disposition: Return to duty until separated or retired under other provisions of law.

PRELIMINARY FINDINGS OPTIONS

FIT TO CONTINUE NAVAL SERVICE OPTIONS (d) para 4213

1) **Accept the Findings** - Continue on active duty until discharged under other provision of law. ***This does not mean you are in a FULL DUTY status.*** A medical board or limited duty board **cannot** be done for at least 6 months for the same condition.

2) **Request Reconsideration** - You request that the Informal Board looks at your case a second time in order for them to change their disposition to UNFIT. New medical evidence from your doctor and non-medical evidence from your command is VITAL in order for the Informal Board to change the findings. You also need to submit a personal letter to the Informal Board specifically the reasons why you should be found UNFIT. ***It is very unlikely that the Informal Board will change the findings if the information they receive from you is the same as your original medical board.*** If you are still found FIT, you may **request** a formal hearing. This can be denied and if so, your case will be finalized.

UNFIT TO CONTINUE NAVAL SERVICE OPTIONS (d) para 4213, 4215, and 4301-4342

1) **Accept the Findings** - you accept the preliminary findings and waive your right to a formal hearing. You will be separated/retired NORMALLY within the next 6 to 8 weeks by your service headquarters. (CMC/MMSR-4 or BUPERS/PERS 821)

2) **Accept and Request Permanent Limited Duty (PLD)** - accept the findings and

request PLD through service headquarters via the PEBLO and PEB. Your request must be endorsed by your command. This endorsement is included with your PLD request and Election of Options that is submitted to service headquarters. Examples of reasons to request PLD are:

i.e. To reach 20 yrs. ACDU for normal retirement benefits.

You or your spouse is pregnant.

You are currently enrolled in a college semester

3) Request Reconsideration – based on new evidence you may request that the Informal board review your case again. This request is normally submitted to receive a higher disability rating or to be found FIT after a finding of UNFIT from the preliminary findings. If the Informal PEB finds you Fit, your case will be finalized. You must also indicate whether or not you request a Formal PEB if your Reconsideration request is denied.

4) Formal Hearing Demand - if you disagree with the findings, it is your right to appear personally in front of the FORMAL board. When you demand a formal hearing, your preliminary findings are null and void when you report in front of the formal board. You will be assigned a hearing date usually 2 to 3 months later. There are two Formal board locations, Bethesda MD and San Diego CA. Your case location will be determined by the PEB. A Navy JAG attorney will be appointed to your case; however, you may use your own lawyer at your expense, or a national service organization representative. Your PEBLO will discuss this more in detail if you demand a formal hearing. You will also have a better understanding of this process from watching the 30-minute video you are about to see.

PETITION FOR RELIEF (d) para 2067, 5001-5006

Once you have received the results from the Formal Board Hearing and you still disagree with the findings, your only recourse is to file a Petition for Relief to the Director, Naval Counsel Personnel Boards (NCPB). You must submit this petition within 15 calendar days after certified receipt of the Formal Board findings in order to stop the processing of your final disposition. For a Petition for Relief to be accepted by the Director, NCPB, one of the following must be determined concerning your case:

- 1) New or newly discovered evidence.
- 2) Your disposition was based upon fraud, misrepresentation, or other misconduct.
- 3) Mistake of law.

* Note: Petitions for relief may be filed after you are discharged to the Board for Correction of Naval Records (BCNR), 2 Navy Annex, Washington, DC 20370-5100, using DD Form 149.

OTHER PERTINENT INFORMATION

OBLIGATED SERVICE: If you have obligated service remaining for special education or training you have received, your service headquarters (CMC/CHNAVPERs) may require you to fulfill your obligation even though it has been determined that you are UNFIT. If you think this may apply to your case, you should check with your ADMIN/PSD section or service headquarters. (d) para 6006

DISCIPLINARY OR MISCONDUCT ADMINISTRATIVE ACTION: Disciplinary separation is not precluded by the disability statutes. Such separations normally supersede disability separation or retirement. Whenever a member is processed for disability evaluation and, at the same time, administrative involuntary separation for misconduct, which could result in punitive discharge, disability evaluation shall be suspended or terminated. If the member is not discharged under non-disability statutes, the member's medical board (with appropriate updates) may be sent to the PEB for consideration. (d) para 3403, (g) para 8508

HOME AWAITING ORDERS: Once you have unconditionally accepted your findings or have received the official results from your formal board hearing, and waived filing a petition for relief, you are **eligible** for Home Awaiting Orders. This **is not a right** and is entirely up to your Commanding Officer's approval. (g) para 8504, (o) MILPERS

EARNED ANNUAL LEAVE: (d) para 3112, (g) 8509

a. Members whose cases are being evaluated within the DES, if otherwise physically able to do so, shall be permitted to take earned annual leave. The individual or command authorizing leave will notify the cognizant PEBLO of inclusive dates and the member's leave phone number. Commands shall recall the member if required by the President, PEB.

b. Members who have earned leave which they are unable to sell upon disability separation or retirement shall be permitted to use the additional leave before their separation date.

**HOSPITALIZATION AND/OR SURGERY PERFORMED AFTER MEB
REPORT REFERRAL TO THE PEB:** (d) para 3206 (e) 18-34 Article

a. Complete elective surgical procedures that may affect a member's physical qualification for duty before initiation of a Medical Board.

b. When hospitalization or non-elective, urgent surgery occurs or is contemplated for a service member who has a case before the PEB, the hospital (MTF) shall notify the PEB by message requesting PEB suspend or terminate the case.

RESTRICTION ON COMMUNICATIONS WITH BOARD MEMBERS (d) para 3109: Except during the course of a Formal PEB, board members shall not engage in

discussion with members under evaluation regarding their cases. The creation of any interference of undue influence or partiality shall be avoided.

CLOSURE AND COPYING HEALTH RECORD FOR SERVICE MEMBERS BY MEDICAL DEPARTMENT (BAS): The Manual of Medicine Article 16-23.8d chg.

111 states service members will be given a copy of their entire medical record before it is closed out and sent to archives.

RETENTION ON ACTIVE DUTY FOR SERVICE MEMBERS WITH 18 OR MORE YEARS OF ACDU (a) 10 USC section 1176: It is stated that service members are to be retained on active duty to complete 20 years of ACDU in order to be retirement eligible, unless discharged under other provisions of law. **A medical separation or retirement is under other provision of law.**

1) If the member is found Fit, they are entitled to a Formal PEB because it represents a change in status. The member may also request reconsideration prior to or in lieu of a Formal PEB. The member could request return to service or accept separation. If the member is eligible for retirement under some other provision of law (example: Fleet Reserve), the member should make application to the appropriate service headquarter for retirement. Members found Fit normally are not made to return to active duty but may request return if otherwise qualified.

2) If the member did not complete 20 years ACTIVE duty and is found 0%, 10%, or 20% disabled, the member is separated with severance pay. The severance pay will be 2 months base pay for every year the member spent on ACTIVE duty not to exceed 24 months base pay. The time spent on TDRL does not count as active duty.

3) If the member is rated at the same disability percentage that originally placed him/her on TDRL, the PEB can retain the member on the TDRL or transfer to the PDRL. This is determined by the condition's stability.

4) If the disability percentage is changed to one that still entitles the member to retirement, the member may be retained on the TDRL or placed on PDRL. Members with 20 years ACTIVE duty rated 0% or more disabled and all members rated a disability of 30% or more are entitled to retirement.

5) If PEB finds that the member's rated disability is unchanged and that the member is to remain on TDRL, this entire process will repeat in approx 18 months.

If a second reevaluation is required, it is done identical to the first with all of the same possible outcomes as 1 through 4 above. If, on the second reevaluation, it is determined that the member is to still remain on the TDRL, one last evaluation will be completed. This last eval is usually started after the member has been on TDRL for approx 4 1/2 years. It is done identical to the previous ones except that the PEB would have to reach a final decision. It is law that TDRL can never last longer than 5 years. The possible outcomes on this last reevaluation are:

1) Fit

2) Members with less than 20 years of active duty and rated 0%, 10%, or 20% are separated with severance pay.

3) If PEB finds a rate of disability that still entitles the member to retirement, he/she is placed on the PDRL. Members on PDRL will never again have their military disability percentage evaluated. (DON'T CONFUSE MILITARY DISABILITY WITH VA, FOR QUESTIONS ABOUT VA EVALUATIONS CONTACT THE CLOSEST VA REGIONAL OFFICE.)

MEMBER'S RIGHTS: Members on TDRL are afforded due process in response to PEB findings with every reevaluation. NO member can be separated from military service by

reason of physical disability without a Formal PEB unless that member waives this right.

OTHER CONSIDERATIONS; The idea of Temporary retirement may be frightening, however there are some advantages.

1) Retirees on TDRL are entitled to a minimum of 50% of base pay or base average (if applicable) regardless of disability percentage awarded. If a member with less than 20 years active duty is rated at 30% or 40% disabled and placed on TDRL he/she would receive 50% of base pay, not the 30% or 40% of base pay awarded if placed on the PDRL.

2) Persons placed on TDRL are promoted to any frocked pay grades the date of retirement. If the member first entered active duty after September 07, 1980 this advancement will have no effect on retired pay (due to 3 year average rule) but should the member return to service, they would return at that new pay grade. They are also allowed to use the appropriate title, example: BMCM USN (retired).

3) TDRL allows for increase in disability percentage and thus increase in retired pay should the retired member's condition later worsen. There is no such provision for members placed on PDRL.

WARNING

1) Members on TDRL need to be aware that they could experience **stoppages in pay** if:

a) They fail to keep the service headquarters, the finance center, and the PEB updated on any changes in address.

b) They fail to report for reevaluation when ordered.

c) They fail to respond to PEB findings.

d) They are not removed from the TDRL (FINAL DISPOSITION REACHED) within 5 years. Remember that no one can be on TDRL longer than 5 years.

2) Members on TDRL will experience a **change in their pay status** if one of the following occurs:

a) Member is found FIT while on the TDRL.

b) Member is placed on the PDRL from the TDRL.

c) Member is rated at 0%, 10%, or 20% and separated with severance pay.

SUGGESTION

Tell member on the TDRL to keep accurate records of all medical care they receive while on TDRL and hand carry copies of this information to the MTF when being reevaluated.

Keep the following addresses in a safe place and notify these offices of any changes in your address:

COMMANDER NAVY FINANCE CENTER
DEPARTMENT OF DEFENSE
DEFENSE FINANCE AND ACCOUNTING SERVICE (NAVY/USMC)
CLEVELAND CENTER PO BOX 99191
CLEVELAND OHIO 44199-1126
1-800-321-1080/FAX 1-800-469-6559

BUREAU OF NAVAL PERSONNEL (PERS-821)
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0821 (NAVY)

HEADQUARTERS U.S. MARINE CORPS
CODE MMSR-4 (USMC)
3280 RUSSELL ROAD
QUANTICO, VA 22134-5103

ALL USN AND USMC MEMBERS

NAVAL COUNCIL OF PERSONNEL BOARDS
ATTN: PEB'S TDRL SECTION
WASHINGTON NAVY YARD
720 KENNON STREET SE RM 309
WASHINGTON DC 20374-5023

TDRL MADE EASY

Members are placed on the TDRL when they would be qualified for permanent disability retirement except the disability is not determined to be of permanent nature and stable. It would be considered unstable if the preponderance of medical evidence establishes that accepted medical principles indicates the severity of the condition will change within the next 5 years so as to result in an increase or decrease of the disability rating percentage or a finding of Fit.

When the PEB makes the final determination of UNFIT - TDRL they will send a message to BUPERS 821 (USN) or CMC MMSR-4 (USMC) (referred to as the service headquarters). The service headquarters releases a message to the commander with retirement authority. The member is then transferred to the TDRL as ordered. The finance center will receive notice that the member has been retired and begin paying retired pay IAW current law. (NOTE: The member may experience some delay between actual retirement and the first retirement check due to time required for processing).

CHNAVPERs or CMC (M&RA) shall issue orders (copy to the PEB) to members on the TDRL to proceed and report for periodic physical examinations normally via the commanding officer of the designated examining activity. The examining facility will endorse the orders and specify the date, place, and time (giving the member a minimum of 30 days) at which the member is to report. The exam shall be conducted during the month specified in the orders or during the preceding or following month. The commanding officer of the MTF shall notify CHNAVPERs or CMC (M&RA), as appropriate, and CHBUMED of failure to complete the examination within this time frame and the reason therefore.

All members on the TDRL shall keep BUPERS-821, CMC (MMSR-4), and DFAS Cleveland Center apprised of their current address. Failure to respond to correspondence or orders issued to the address on file with the appropriate finance center either willfully or through neglect in keeping that address current may result in the suspension of disability retired pay and can be considered as showing intent on the member's part to abandon benefits. All active duty members being placed on TDRL and TDRL members going before a Formal PEB must fill out an address information form. PEBLOs submit this form with the member's Election of Options for active duty personnel and the Formal PEB administrator will ensure that all TDRL members reporting for a hearing complete the form and include it in the PEB case file.

A major change to the DEM is that in addition to addressing those conditions for which the member was placed on the TDRL, physical exams shall address all medical impairments diagnosed since the member was placed on the TDRL to include whether the new diagnosis was caused either by the condition for which the member was placed on the TDRL, or the treatment received for such a condition. The Informal Board at the PEB will review the medical boards and make a finding based on the available medical evidence. The possible results are:

FOR OFFICIAL USE ONLY
COMMAND LETTERHEAD

Date:

From: Commanding Officer
To: Medical Treatment Facility

NON-MEDICAL ASSESSMENT (NMA) IN THE CASE OF _____
(member's full name, rank/rate, SSN, service/component-regular,
reserve, AR, TAR)

1. Purpose: The NMA describes how well the member performs his/her military duties, e.g., MOS/rating duties, field duties or exercises, participation in the PRT/PFT, etc. The first half of this document, "Questionnaire", details basic data on the service member.

The purpose of the second half, "Commanding Officer's Comments", is for the CO to comment on what the member can and cannot do. Be as specific as possible about what duties and responsibilities the member can and cannot perform. Explain how the member's medical condition has affected the member's ability to perform the duties of his/her rate or MOS, and the reality of the service member's contribution to the unit. The CO's insights are crucial in assisting the PEB in making a determination of Fit or Unfit. Prior to writing the NMA, the CO should first review the member's Medical Board (MEB) or medical record to gain a better understanding of the member's medical condition.

2. Questionnaire. The following assessment is submitted to assist the PEB in their determination of Fitness/Unfitness of SNM:

a. Service member's rating/NEC/MOS/Primary Specialty:

(Examples: 0311/Rifleman; AO3/Aviation Ordnancemen;
1100/Surface Warfare Officer, etc.).

b. Member's current position:

c. Is the member currently working out of his/her specialty because of the medical condition? (Yes/No)

d. Date member last passed the PRT/PFT: _____
(MM/YY)

e. Can member presently take the PRT/PFT? (Yes/No/Partial)

f. Member's height and weight: _____ (inches/lbs.)

g. Is the member within weight and body fat standards? (Yes/No). If not, is the member on weight control (Yes / No / N/A).

h. To your knowledge, is the member fully complying with the prescribed appointments and treatment for the therapy? (Yes/No). Has the member complied in the past? (Yes/No)

- i. What is the average number of work hours per week that the member's condition has required the member to be away from current duties for treatment, evaluation, and/or recuperation? _____
- j. Is member pending disciplinary action or involuntary administrative separation for misconduct? (Yes/No) If so, for what?
- k. What is the member's current length of service and date of entry into service?
- LOS: _____ (years/months) ADSD/ADB: _____ (mo/yr)
- l. Considering the member's current physical condition, is he/she worldwide assignable? (Yes/No)
- m. Does the member have good potential for continued service in his/her present physical and mental condition? (Yes/No)
- n. Does the member desire to continue his/her military service? (Yes/No)
- o. For active duty members: Based on member's performance of duties, would you recommend that Naval Personnel Command / Headquarters Marine Corps authorize the member's retention on active duty in a Permanent Limited Duty status, if found Unfit? (Yes/No)

Commanding Officer's Comments: (use additional pages as necessary)

POC at this command is _____ (name/rank/position) at
(Comm) _____ / (DSN) _____ or (email) _____.

Commanding Officer Signature
(per Para 11001)

DISABILITY INITIAL COUNSELING CHECKLIST

PRIVACY ACT STATEMENT

The authority to request this information is contained in title 10, United States Code, Section 1216. The information will be used to ensure compliance with the counseling requirements established by SECNAVINST 1850.4E, paragraph 3107 to expedite the receipt of non-medical records, and to provide prompt notification of PEB determinations. The information that you provide will become a permanent part of your PEB Record of Proceedings and will be available to naval personnel in conjunction with PEB determinations. In addition, the information may be used by your assigned military counsel or other representative duly designated by you in proceedings relative to your eligibility for naval disability benefits. Your failure to comply with requirements as set forth by your PEBLO may delay the processing of your case through the PEB and reduce the time period provided by regulation for the submission of a request for reconsideration and/or to make elections effecting your disability evaluation processing.

INITIAL COUNSELING

1. Name: _____ Rank: _____
SSN: _____ Service _____

Complete mailing address of PSD/Command holding member's Service Record:

Telephone:
(Work) _____ (Home) _____

Member is: (a) Regular USN/USMC on active duty
(Circle one) (b) Reservist on extended active duty
(c) Inactive reservist

1. I have been explained my rights to rebut the medical board.

2. I have been provided an overview of the Disability Evaluation System to include:

- (a) Explanation of initial disability evaluation by the PEB.
 - (b) The options if found FIT by the Informal PEB.
 - (c) The options if found UNFIT by the Informal PEB.
 - (d) The Formal PEB process.
3. Options available if found FIT/UNFIT by the Formal PEB
4. The option of filing a Petition For Relief (PFR) from Formal Board findings to the Director, Naval Council of Personnel Boards in the event of:
- (1) New or newly discovered medical evidence
 - (2) Fraud or misrepresentation
 - (3) Mistake or error of law
5. If this injury occurred as a result of an accident, service member was attached to the following command at the time of the accident:
-
-
6. Service member understands that while their case is pending disability evaluation they may not be transferred or sent TAD, Home Awaiting Orders, or TEMDU out of the geographic area.
7. Service member acknowledges that they have no disciplinary or administrative discharge action pending and is advised that either of these actions may take precedence over a medical discharge.
8. Service member has been provided the PEBLOs name and phone number: (HM2(FMF)Avalos, DSN 678-2400extension 3010 commercial (504)678-2400 extension 3010)

Member's signature/Date

WHAT THE PEBLO ASKS OF YOU

1. That you are very familiar with this handout. When you are counseled on your findings, it will be your decision to make. At the time of your findings counseling, you should already know what your options are and be close to a decision based on the information you have received at DTAP class.
2. If there is a problem with the processing of your case you will be notified by your medical board clerk or a PEBLO. **NO NEWS IS GOOD NEWS.** The **average** time for results to come back in the form of findings is 3 to 6 weeks **from when the medical board section mails the board.** **Do not call for status checks unless you are positive when your board was mailed and it has been 6 weeks.**
3. If you are authorized leave by your command or sent TAD out of the geographical area, you are required to give the PEBLO's your telephone number where you may be reached. **Failure to do this will result in you being called back from wherever you are** in accordance with the Separations and Retirement Manual, chapter 8.
4. If your telephone number or address changes from what you have provided us at DTAP changes, please call us so we can update your folder.
5. You may stop by our office at anytime; however, scheduled appointments will have priority.
6. We are here to help. If you are unhappy with your findings, remember that we did not make the decision.

Subj: ELECTION OF OPTIONS FOR UNFIT FOR CONTINUED NAVAL SERVICE
ICO:

Formal Findings

- h. _____ I Accept. I waive my right to submit a PFR. I request my separation/retirement date be _____ (Navy members only, minimum 15 days from today's date, maximum 90 days).
- i. _____ I Accept. I waive my right to submit a PFR. I intend to request to remain on active duty in a Permanent Limited Duty (PLD) status until _____. I understand that this request must be forwarded with justification and an endorsement from my command by _____, which is fifteen (15) calendar days from the date of my acceptance of findings. I further understand that my PLD request should be submitted directly to COMNAVPERSCOM (PERS-821) or CMC (MMSR-4) as appropriate.
- j. _____ I am submitting a PFR. (See attached PFR.)

Permanent Limited Duty Changed Findings

- k. _____ I Accept. I waive my right to a formal hearing.
- l. _____ I request reconsideration. (See attached reconsideration form.)
- m. _____ I Demand a Formal PEB. Option (k) will continue to be considered at any time prior to the start of the Formal PEB proceedings.

3. (OFFICERS ONLY) _____ I have been counseled by my PEBLO that any obligated service requirements will be determined and stipulated by service headquarters.

4. Current mailing address and telephone number for the member and administrative unit holding member's service record.

a. Member's mailing address/telephone number:

_____ HOME () _____

_____ WORK () _____

_____ FAX () _____

b. Admin/PSD address:

c. Hospital Plain Language Address (PLAD): _____

Printed or Typed Name

Signature (Circle one):
Trustee, or Guardian

Date

TO BE COMPLETED BY PEBLO

1. I certify that I have fulfilled the counseling requirements IAW SECNAVINST 1850.4E.
2. Member's election forwarded to the Physical Evaluation Board.

PEBLO'S Printed Rank/Name/Service

PEBLOS's Signature

Date

Attachment (a) to Enclosure (6)

SAMPLE REQUEST FOR PERMANENT LIMITED DUTY

From: _____ Date _____

To: Commander, Naval Personnel Command (PERS-821) or
Commandant of the Marine Corps (MMSR-4)

Via: Commanding Officer/Medical Holding Company OIC

Subj: REQUEST FOR PERMANENT LIMITED DUTY

Ref: (a) SECNAVINST 1850.4E

Encl: (1) Preliminary/Reconsidered/Formal Findings of the PEB

1. Upon receipt and review of enclosure (1) and per reference (a), I hereby request Permanent Limited Duty for the reason(s) listed below. I understand that if my request is denied by service headquarters, I will be separated or retired according to the original Notification of Decision letter.

a. _____ To achieve 20 years of active service and be otherwise qualified for retirement.

b. _____ To complete a service obligation (initial/advanced skill training school, funded education program, etc) until _____ (day/month/year).

c. _____ Other valid personal/professional/medical reasons until _____ (day/month/year) (If for specific medical research protocol, endorsement must be addressed via CO, MTF): _____

SIGNATURE

From:

DATE

RANK/NAME

SSN

To: President, Physical Evaluation Board

Subj: REQUEST FOR RECONSIDERATION OF UNFIT (OR NPQ) FINDINGS

Ref: SECNAVINST 1850.4E

Encl: Election of Options

1. Upon receipt and review of my Preliminary Findings and per the reference, I submit the following information as reason for change of the Preliminary Findings. I understand that upon review of the additional information submitted, a change may or may not be warranted and that my case will be forwarded according to my request, if reconsidered findings are not issued. I also understand that unless I provide additional medical or non-medical evidence, the PEB is unlikely to grant my request.

2. Select either a, b, or c below by initialing selection.

a. _____ I request to be found Fit to Continue Naval Service (or Physically Qualified). I understand that if I am found Fit (or PQ), no reconsidered findings will be issued. I understand that my case will be finalized and notification of findings will be sent to service headquarters.

b. _____ I have new information that was previously not considered. (Must complete d.)

c. _____ I have a new diagnosis(es). (Must complete d.)

d. _____ I feel my condition(s) more appropriately warrants (specify percentage if applicable) _____ because: _____

3. If after review of the additional information submitted, the Preliminary Findings do not change or not what I feel my condition(s) warrants:

_____ I Request my case be finalized. I waive my right to a Formal PEB.

_____ I Demand a Formal PEB.

4. If after review of the additional information submitted, the Preliminary Findings do change and I receive what I feel my condition(s) warrants:

_____ I Request my case be finalized. I waive my right to a Formal PEB.

_____ I Request to remain on active duty in a Permanent Limited Duty (PLD) status. (See Attached Request for Permanent Limited Duty form.) I understand that this request must be forwarded with justification and an endorsement from my command by _____, which is fifteen (15) calendar days from the date of my acceptance of findings. I further understand that my PLD requests should be submitted directly to COMNAVPERSCOM (PERS-821) or CMC (MMSR-4) as appropriate.

SIGNATURE

Note: This form is to facilitate the processing of your Reconsideration request. Do not hesitate to attach supporting documents or a more lengthy explanation of the reasons and logic behind your request.

Date _____

From: _____
RANK/NAME SSN

To: President, Physical Evaluation Board

Subj: ELECTION OF OPTIONS FOR PRELIMINARY FINDING OF FIT FOR
CONTINUED NAVAL SERVICE

Ref: (a) SECNAVINST 1850.4E

1. I have been informed that the PEB finding in my case is FIT FOR CONTINUED NAVAL SERVICE, and have been counseled as to my alternatives. I understand the alternatives and make the following selection in accordance with section 4213 of reference (a).

2. Select either a, b, or c below by initialing selection.

a. ____ I accept the Preliminary findings.

b. ____ I request the Informal PEB reconsider the findings based upon new or additional information supporting my request. If there is no change to the Preliminary Findings based upon the reconsideration, I request a Formal PEB. I understand this request is a privilege, not a right, and may be denied. If granted, I understand that the hearing location will be decided by the PEB.

c. ____ I request the Informal PEB reconsider the findings based upon the new medical or additional information supporting my request. If there is no change to the Preliminary Findings based upon the reconsideration, I do not desire a Formal PEB. I understand that my case will be finalized.

Subj: **ELECTION OF OPTIONS FOR PRELIMINARY FINDINGS OF FIT FOR CONTINUED NAVAL SERVICE; ICO**

3. Current mailing address and telephone number for the member and administrative unit holding member's service record.

a. Member's mailing address/telephone number/email:

_____(HM) () _____
 _____(WK) () _____
 _____(FAX) () _____

EMAIL ADDRESS

b. Admin/PSD address:

Printed or Typed Name

Signature (circle one): Member,
 Trustee, or Guardian

Date

To be completed by PEBLO

Date

1. I certify that I have fulfilled the counseling requirements IAW SECNAVINST 1850.4E.

2. _____ Member or legal representative/attorney failed to accept/reject the preliminary/ reconsidered findings within 15 calendar days of receipt following delivery by hand or certified mail.

3. Member's election forwarded to the Physical Evaluation Board via telefax _____, mail _____, or both _____.

PEBLO's Printed Name, Rank and Service

PEBLO's Signature

Member understands that they have FIFTEEN (15) CALENDAR DAYS from the date they are notified of the finding of the PEB in which to respond. The date of notification is _____. The date the response is due at the PEB is _____. Failure to respond by the due date constitutes a presumption of acceptance and the case will automatically be finalized according to the current finding of the PEB.

Member Signature/Date

PEBLO Signature/Date

PRE-FORMAL PEB COUNSELING INFORMATION SHEETS

TEN TIPS ON PREPARING FOR YOUR FORMAL PEB

1. **TAKE PERSONAL RESPONSIBILITY FOR YOUR CASE.** Both the PEBLOs and the Formal PEB lawyers have many people to represent. Each member going before the Formal PEB has only his case to present. Therefore, the member should take an active and diligent role in preparing. DO NOT WAIT until an attorney is assigned to begin preparation.
2. **DETERMINE EARLY WHAT *FINDING IS DESIRED*.** The preparation for a member petitioning to be found FIT FOR DUTY is different from that of a member seeking a higher disability rating. A member who cannot decide what he/she wants or is continually changing their mind will not be fully prepared for what they ultimately seek.
3. **BRING WITH YOU YOUR COMPLETE MEDICAL RECORD AND, FOR ACTIVE DUTY MEMBERS, YOUR SERVICE RECORD BOOK.** FITREPS (brought by the member) often contain information useful to the Formal PEBs determination.
4. **MAKE CONTACT WITH FORMAL PEB COUNSEL AS SOON AS COUNSEL IS ASSIGNED.** Members should provide accurate home and work telephone numbers to the assigned counsel. The attorneys have many clients to assist; members must be assertive about getting and keeping in touch with counsel in preparation for the Formal PEB.
5. **ARRANGE FOR A NEW MEDICAL EVALUATION.** Months may have passed since your initial Informal Board findings. The Formal PEBs encourage up-to-date information about the service member's medical condition especially after surgery, physical therapy, or convalescent leave. Scheduling an appointment for a medical evaluation will take some time to arrange, begin now.
6. **DOCUMENT EVERYTHING.** Any medical care the member receives should be well documented and provided to the member's counsel. This includes both in and out patient treatment, civilian and military treatment, and any treatment at a VA Hospital. The member should present all information regarding their case to their assigned counsel, let them decide whether or not it's relevant to present to the board. Members should send all information to their counsel as soon as it is obtained so that it can be reviewed.
7. **MEMBERS SHOULD ASK FOR HELP WHEN THEY ENCOUNTER PROBLEMS.** Do not wait to discuss problems (i.e. scheduling medical appointments, obtaining letters from chain of command) until the first meeting with counsel. Communicate with the PEBLO or, if counsel has been assigned, to them.

FORMAL PEB DATE ASSIGNED / MILITARY COUNSEL ASSIGNED
COUNSELING

1. I understand my formal hearing date has been scheduled for _____, at Bethesda MD/San Diego, CA. My military appointed counsel is _____. I have been instructed to contact my counsel immediately at _____ (comm.) or _____ (DSN) to discuss my case.
2. If I chose not to use my military assigned counsel in lieu of a civilian attorney or National Service Officer, I understand that I must contact them at the above number to inform them of my decision. This will prevent the military counsel from working on a case they will not be representing.
3. I have again been counseled on the importance of bringing the following items to the formal hearing:
 - (a) Service Record Book
 - (b) Complete Health Record
 - (c) Dental Record (*if applicable)
 - (d) Any other pertinent medical or non-medical information you plan to present
 - (e) Original orders
4. I understand the prescribed uniform for my formal hearing is _____. It is the member's responsibility to have an inspection ready uniform.
5. I understand I must take my NCPB funded travel orders to my command administrative office/PSD for completion and signature by the individual authorized to sign TAD orders. Be advised of the following:
 - (a) The member's command is not authorized to give the member additional days or change the type of transportation unless they provide the additional funding required.
 - (b) Service members E6 and below who are traveling to the Formal PEB, Bethesda, MD, are required to call (301) 295-0100 (comm.) or 295-0100 (DSN) for billeting. DO NOT go directly to the BEQ. Rooms have been reserved and are available at no cost. E7 and above will be funded for lodging in the local area. E6 and below will not be reimbursed for commercial lodging.
 - (c) Members traveling to the Formal PEB, San Diego, CA should make billeting arrangements prior to their departure.
6. I understand I should make travel arraignments as soon as possible. I have received instructions and directions to the Formal Board from my PEBLO.
7. I have been instructed to report to the administrative officer at the Formal PEB by 1300 on _____, which is the day prior to my hearing. At this time your billeting will be

RIGHTS OF THE SERVICE MEMBER

Your rights before the Formal PEB are established by the Secretary of the Navy in the Disability Evaluation Manual (SECNAVINST 1850.4E).

1. Personal Presence. If personal presence would be injurious to your health, notify your assigned counsel without delay.
2. Representation by Qualified Legal Counsel. This counsel may be appointed military counsel, other military counsel, other military counsel of your choice (if considered reasonably available by his/her command), or by civilian counsel of your choice, at your expense (no expense to the government). If you elect to be represented by counsel of your choice, the appointed military counsel may assist as associate counsel.
3. Access to All Records Pertinent to Your Case and to All Reference Material Used by the Formal PEB.
4. Challenge of Formal PEB Members for Cause. You may challenge any voting member of the Formal PEB for cause by disclosing the grounds for such challenge (e.g., establishing that a Formal PEB member may not impartially evaluate your case).
5. Presentation of Evidence On Your Own Behalf. Your testimony may be oral, or written, sworn or unsworn, and may be given by you or by your counsel. You may remain silent. If you testify under oath, the Formal PEB may question you.
6. Securing Witnesses, Records, Depositions, Affidavits, and Statements on Relevant Issues. Insofar as practical.
7. Question Witnesses.
8. Present Arguments In Your Behalf.
9. Have the Issues Decided Only On Evidence Presented to the Formal PEB.
10. Filing a Petition For Relief From Final Action of the Formal PEB Decision. At your request, your appointed military counsel or PEBLO will help in the preparation of this petition.

FINAL PEB COUNSELING

1. Finding _____ Disability Rating _____ Date _____ Disposition: _____
(SEP/TDRL/PDRL/FIT/NR)
2. Member counseled on right to Petition For Relief (SECNAVINST 1850.4E, Enclosure 5) from final action to the Director, Naval Council of Personnel Boards as a result of Formal Board Findings:
 - (a) New or newly discovered medical evidence
 - (b) Fraud or misrepresentation
 - (c) Mistake or error in law
3. In the event the member is separated or permanently retired their only recourse is to petition the Board for Correction of Naval Records (BCNR).
4. Member counseled on ESTIMATED severance/retirement pay _____.
5. Member is eligible to request Home Awaiting Orders in accordance with MILPERSMAN, para 3860360 or MARCORSEPMAN, para 8511.
6. Member acknowledges that they normally shall be separated/retired within 4-6 weeks of final notification to CMC/BUPERS.
7. Member counseled that their PSD or administration office will assist in the preparation and submission of the following in accordance with MILPERSMAN and MARCORSEPMAN:
 - (a) SBP
 - (b) VA Claim
 - (c) SGLI conversion to VGLI
8. Member counseled to contact their nearest VA Service Officer ASAP to apply for benefits.
9. Member counseled that if assigned to the TDRL, they must keep the PEB, DFAS, and service headquarters advised of their current mailing address and telephone number. The member will receive orders to report for periodic physical examinations every 18 months and that non-compliance with orders to appear for a periodic examination will result in termination of retirement pay. That they will be reimbursed for travel to periodic examinations. That these requirements apply even if they waive their retired pay to receive VA disability compensation. Finally, the maximum time a member may be carried on the TDRL is 5 years. By the end of 5 years the case must be finalized or all retired pay and benefits will be terminated. I have received a copy of the TDRL MADE EASY handout.

Member Signature/Date

PEBLO Signature/Date

6000
84B/
01 May 03

From: Physical Evaluation Board Liaison Officer,
Naval Ambulatory Care Center, New Orleans
To: Commanding Officer, (members command)

Subj: NOTICE OF CONCLUSION OF DISABILITY PROCEEDINGS IN THE CASE OF:
(member's rate/rank, name, service, ssn, mos, designator)

Ref: (a) DOD Directive 1332.18, Paragraph 4B
(b) SECNAVINST 1850.4E
(c) MARCORSEPSMAN, Chapter 8, Paragraph 8504 (For USMC)
(d) MILPERSMAN 3860360, Paragraph C (For USN)
(e) NAVPERSMAN 15560 (For USN)

1. The subject service member's disability case has been considered and finalized by the Secretary of the Navy. **SNM has been found unfit/Fit For Duty due to a physical disability/Non Disability condition.**
2. It is anticipated that within 4-6 weeks, final authority for a discharge is forthcoming from the (Bureau of Naval Personnel Command, Code 821, or the Commandant of the Marine Corps, MMSR-4).
3. The following information is provided:
 - a. (Navy Enlisted Personnel): In accordance with reference (d), enlisted personnel may request to be placed in a HOME AWAITING ORDERS status. Member did unconditionally accept the Informal PEB findings. (This is only a request and may be disapproved by the member's commanding officer).
 - b. (Navy officers other than Flag rank or Medical Corps): Officers may request to be placed in a HOME AWAITING ORDERS status in accordance with ref (d). The member's commanding officer must report all officer requests for HOME AWAITING ORDERS to The Bureau of Naval Personnel, Code 821.
 - c. (USMC) Paragraph 8504.1 of ref (c) states that a Marine on active duty whom the PEB finds Unfit and whose continued treatment is not warranted may, subject to the members consent, be ordered home to await final disposition of proceedings. Commanders should use the services of any Marine who does not desire orders home to await disposition in a manner consistent with the Marine's physical capabilities. In the case of a Marine officer, Para 8504.3 of reference (c) states that CMC (MMSR-4) must receive a message requesting orders for officers desiring orders home to await final action.
4. Further information and assistance, you may contact me at DSN 678-2400 commercial 6-(504)678-2400.

J. AVALOS